

**BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary**

Meeting Date 6/16/04

Division **County Attorney**

AGENDA ITEM WORDING

Approval of settlement agreement with Mark Otto to resolve his code enforcement lien.

ITEM BACKGROUND

In 2000, the Code Enforcement Special Master imposed a \$250.00 per day fine against Mr. Otto for failing to comply with the documentation requirements for an affordable housing permit. Mr. Otto neglected to file the appropriate documentation in every year since. Legal staff has reviewed Mr. Otto's financial data and it appears that he met the income requirements but simply failed to file the appropriate paperwork that is required as a condition for an affordable housing permit.

Mr. Otto has offered to settle the lien which exceeds \$350,000.00, for \$1100.00. That figure represents a \$250 fine for each year that he was not in compliance plus the \$100.00 administrative fee that is imposed in each case that goes to hearing.

PREVIOUS RELEVANT BOCC ACTION

None.

CONTRACT/AGREEMENT CHANGES

STAFF RECOMMENDATIONS

Approval.

TOTAL COST

BUDGETED Yes No

COST TO COUNTY

SOURCE OF FUNDS

APPROVED BY: County Attorney ■ OMB/Purchasing ! Risk Management !

DIVISION DIRECTOR APPROVAL:

John R. Collins 06/10/04
JOHN R. COLLINS

DOCUMENTATION:

Included !

To Follow

Not Required

AGENDA ITEM # _____

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**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA
The Honorable J. Jefferson Overby, Presiding**

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO.: 00-AFB-14

MARK OTTO,

Respondent(s)

_____ /

SETTLEMENT AGREEMENT

The Petitioner Board of County Commissioners of Monroe County and MARK OTTO, Respondent(s), hereby enter into this agreement to settle the code enforcement lien imposed in the above-referenced case by the Special Master against property owned by the Respondent(s) as follows:

1. In order to resolve their differences amicably, avoid the expense of litigation, and buy peace in this matter, the parties agree to settle the code enforcement lien recorded at Book 1647, Page 1044, and re-recorded at Book 1662, Page 2202 of the Official Records of Monroe County for \$1,100.00.
2. The property is currently in compliance with the Monroe County Code.
3. The property in question has a legal description of PART OF GOVT. LOT 2, SUGARLOAF KEY, MONROE COUNTY, FL (RE: 00117420-000000).
4. Once this agreement has been executed by both parties and the aforementioned check has cleared, the County will issue to the Respondent(s) a release and satisfaction of said lien for filing by the Respondent(s) in the Official Records of Monroe County.
5. The County will file a copy of the release and satisfaction in official the Code Enforcement file.
6. By entering into this agreement, each party agrees to waive any and all claims that it could have raised and/or potential claims that it might have been able to raise as a result of the above-captioned code enforcement case.

7. Both parties warrant that they have had an opportunity to consult with counsel before entering into this agreement.
8. Each party agrees to bear its own costs and attorney's fees other than as specified in this agreement.

ATTEST:

DANNY L. KOLHAGE
CLERK:

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY

By: _____
Deputy Clerk

By: _____
Murray Nelson, Mayor

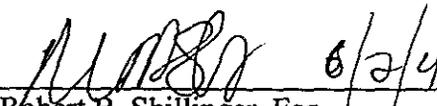
Dated _____

Mark Otto, Respondent

Notary Public

By: _____
(date)

This document was prepared and approved for legal sufficiency by:


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